

## New head of CPSC

On May 26, the Senate approved the appointment of S. John Byington to the **Consumer Product Safety Commission (CPSC)** & on June 2 he was sworn in as CPSC commissioner & designated chairman for a 2½ year term. The former Deputy Director of the **Office of Consumer Affairs (OCA)** is filling the vacancy left by former CPSC commissioner Constance Newman, who became Assistant Secretary for Consumer Affairs & Regulatory Functions in **Housing & Urban Development Dept. (HUD)** [CONSUMER NEWS: March 15]. However, as chairman, he is assuming the responsibilities of former CPSC chairman Richard O. Simpson, whose term expired when Byington assumed the new post.

A 38-year old attorney & government executive, Byington served as Deputy Director of OCA since March, 1974. Prior to joining OCA, he was Deputy Director & National Export Marketing Director in the Office of Field Operations, **Commerce Dept.** He joined Commerce in July 1972 as Director of the Department's Detroit District Office.

## Warning!

**EXHAUST SYSTEMS**—**National Highway Traffic Safety Administration (NHTSA)** is warning all motorists that careful & frequent maintenance of car exhaust systems is necessary to avoid some costly & dangerous problems. Many modern cars & other vehicles use synthetic & plastic materials which have poor resistance to the high temperatures of exhaust gases. According to NHTSA, lack of proper maintenance of the exhaust system could therefore lead to ruptures or leaks in car exhaust systems & could also damage vehicle parts that are exposed to exhaust leakage. NHTSA further warns that any opening in a vehicle, fire wall or body seals, together with any exhaust system problem allowing fumes to accumulate under the car, may be a lethal combination for both driver & passengers.

What to do: According to NHTSA, the entire exhaust system of your car should be checked regularly for leakage & loose connections. It is equally important that the tailpipe section be long enough & in good repair to assure that exhaust gas will be discharged well out from under the car.

## Correction

CONSUMER NEWS reported [May 15] incorrectly that **Commerce Dept.** will be charged with issuing safety regulations under the Animal Welfare Act. In actuality, **Agriculture Dept.** will have this responsibility for establishing safety regulations, requiring the humane handling of research animals or pets being maintained or shipped by air or ground transportation.

# consumer news

DEPARTMENT OF HEALTH, EDUCATION & WELFARE

Office of Consumer Affairs

Virginia H. Knauer, Director

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## Supreme Court stops bans on drug ads

As the result of a recent **Supreme Court** decision, you probably will be able to save money on your pharmacy bills by comparing prices for prescription drugs. In a landmark case for consumers—**Virginia State Board of Pharmacies vs. the Virginia Citizens Consumer Council**—the Supreme Court ruled it unconstitutional for states to forbid pharmacists to advertise prices for prescription drugs & has thus paved the way for you to get price information that will make you a better shopper.

In June, 1975, **Federal Trade Commission (FTC)** proposed a trade regulation rule designed to pre-empt by Federal action state bans on prescription drug price disclosures (CONSUMER REGISTER: July 1, 1975). FTC's rule is yet to be finalized & according to FTC officials, the agency may rescind the proposal if the Supreme Court decision has the desired effect of nullifying prohibitions in all the states that have these restrictions. To date, 17 states directly prohibit the advertising of prescription drugs: 9 by statute & 8 by pharmacy board regulations. At least 3 other states restrict price advertising as a practical matter by requiring that any ad include extensive medical information on the drug's ingredients. In addition, 9 states that do not prohibit all drug price advertising should be affected because they ban the price advertising of controlled substances (such as narcotics & hallucinogens).

## New medical device law

To protect consumers from the abuses of unproved & poor quality medical devices, President Ford has signed into law the Medical Device Amendments of 1976 which gives **Food & Drug Administration (FDA)** new authority to assure the safety & effectiveness of these medical tools before they are used by consumers. Effective immediately, the new law is applicable to a wide variety of devices—from hearing aids & wheelchairs to heart-lung machines—& gives FDA responsibility for classifying all devices into one of the following 3 categories:

1. **Class I**—General controls category. In this category, FDA will require manufacturers to register their products & keep safety records.
2. **Class II**—Performance standards. If general controls are insufficient to insure the safety of the product, FDA can set performance standards for the medical devices.
3. **Class III**—Pre-market approval. All implanted & life supporting devices are automatically assigned to this category unless FDA decides otherwise. FDA can also assign other devices to this classification if it feels the controls provided by the other categories are not enough to protect the public.

Under the new law, FDA will also have authority to:

- require manufacturers to notify it 90 days before a new product is put on the market;
- quickly ban a device that is deceptive or presents an unreasonable risk of illness or injury; &
- require manufacturers to repair or replace defective devices or give consumers a refund.

## Fireworks

This Bicentennial July 4th will be the last time that consumers can use many types of fireworks to celebrate our nation's birthday. As a result of several years study, **Consumer Product Safety Commission (CPSC)** has just amended sections of the Federal Hazardous Substances Act (FHSA) to make use of fireworks less dangerous for consumers.

On June 3 CPSC issued a new fireworks regulation that, unless there are major objections, will go into effect Dec. 5, 1976. Under the regulation, only firecrackers with less than 50 milligrams of "pyrotechnic composition" will be allowed to be sold to consumers. This is the amount contained in a 2.22 cm (7/8 inch) "Ladyfinger" type firecracker. This means that 3.81 cm (1 1/2 inch) common firecrackers will no longer be sold. (Larger firecrackers, such as Cherry Bombs & M-80's, have long been prohibited under FHSA). Firecrackers are distinguishable from other fireworks in that they are explosive devices whose primary function is to produce an audible effect.

In addition, colored sparklers, which burn at temperatures as high as 1093 C. (2000 F.), & hand-held Roman Candles have also been banned.

CPSC's regulation is also designed to increase the reliability of fireworks. According to CPSC, in 1974 at least 30% of all fireworks injuries were the result of malfunctions. To remedy this problem, CPSC's regulation requires fuses to be treated so as to reduce the possibility of side ignition. In addition, fuses must burn at least 3 & no more than 6 seconds, & they must be securely attached to the firework. The regulation also specifies that all warning labels be more visible & contain more information than in the past.

Because CPSC's regulation will not go into effect until after this July 4th, **Office of Consumer Affairs (OCA)** offers these safety tips for using fireworks this holiday:

- Never hold fireworks in your hand unless directions specifically say so;
- Fireworks should be placed on hard, smooth level surfaces;
- Fireworks should be used only outdoors & under close adult supervision;
- If the firework does not go off, wait at least 10 seconds after the fuse stops glowing before approaching it; &
- At public displays, stay in designated areas to avoid fumes & sparks.

For further information on fireworks safety, CPSC makes available a fact sheet on *Fireworks* (Fact Sheet No. 12) which you can get by calling CPSC's toll-free hotline at 800-638-2666 (Maryland residents call 800-492-2937).

## Bicentennial camping—getting away from it all?

Planning to go to a national park for a vacation holiday or a weekend trip? **National Park Service (NPS)** estimates that about 262 million people will be doing the same thing this Bicentennial summer. NPS officials therefore suggest that to avoid the problems associated with crowded tourist attractions, you plan your trip ahead of time. Since increases in park personnel & facilities are not likely, there will probably be less personal service while, at the same time, there will be more crowds at the food shops, supply areas & information booths.

According to NPS, very few parks have any type of reservation system although many have free back country permit systems that allow visitors in less-used areas. Most national parks have some sort of entrance, camping or other "user" fee ranging from 50¢ to \$4. However, you can get a Golden Eagle Passport, which can be purchased for \$10 at any park honoring it, that will pay entry fees for your entire family to all NPS parks. Persons 62 & over can also qualify for a Golden Age Passport that not only pays entry fees for the immediate family but also provides for a 50% discount on user fees (camping, boat launching, etc.). This pass must be obtained in person by showing proof of age. The 50% discount on user fees is also honored at the recreation areas of other government agencies.

For more information about recreational & camping facilities, NPS suggests that you contact these other government agencies:

Tennessee Valley Authority  
Information Office  
Knoxville, TN 27902

Army Corp of Engineers  
OCE  
DAEN-CWO-R  
5E-080  
Washington, DC 20314

USDA Forest Service  
12th & Independence Ave., SW.  
Washington, DC 20250  
Attn: Recreation Division

U.S. Fish & Wildlife Service  
Publications Unit  
U.S. Dept. of Interior  
Washington, DC 20240

Bureau of Reclamation  
Recreation & Lands Branch  
Interior Dept.  
Washington, DC 20240

Bureau of Land Management  
Washington, DC 20240

Additional information on back country permits & specific park areas is available from Park Information Service, 1013 Interior Bldg., Washington, DC 20240. You may also want to contact the state or district land management office nearest you.

## Government camping books

The following publications on camping & Bicentennial travel are available from Consumer Information Center, Pueblo, CO. 81009; send check or money order:

- Backpacking in the National Forest (226D), 40¢
- Camping in the National Park System (228D), 65¢
- Festival USA: Special Bicentennial Edition (282D), \$1.95
- Guide to Historic Places of the American Revolution (230D), \$3.15
- Guide to the National Parks (231D), 75¢
- Outdoor Safety Tips (317D), 35¢
- Doorway to Adventure—Visit a Lesser-Used Park (285D), 35¢
- 1976 Bicentennial Activities Calendar (316D), free
- Off-Road Vehicle Use on Federal Lands (233D), free
- Vacation Planning Tips for Trips to Save You Gas (284D), free
- Backpacking Gear (225D), free

## More on canning foods

Agriculture Dept. (USDA) & Food & Drug Administration (FDA) have jointly issued a warning advising against reducing cooking time when canning foods at home. According to these Federal agencies, time & cooking pressure are very important elements in home canning because bacteria that can cause food poisoning, such as botulism, can develop in improperly processed foods. Although it has been suggested that the quality of canned fruits & vegetables will be improved if foods are processed in a pressure cooker where pressure is increased & cooking time reduced, government authorities caution that until this processing information is substantiated, consumers should continue to rely on standard pressure & cooking time recommendations.

USDA has also released data which eliminates the controversy over canning tomatoes. Some recent reports have suggested that there may be a threat of botulism poisoning from canning some of the new "low-acid" tomato-varieties. But according to USDA, modern tomato varieties present no greater home canning risk than older varieties. However, USDA cautions that tomatoes of any variety that are overripe (too red & too soft) should not be canned whole or used to make any other related product such as soup, juice or paste.

For more information on home canning, you may want to order *Home Canning of Fruits & Vegetables* (45¢) & *Home Canning of Meat & Poultry* (30¢) from Consumer Information Center, Pueblo, CO. 81009.

## ... and drying them

One of the oldest yet most current methods of preserving those fresh fruits & vegetables from your garden is to dry them. The process of removing moisture from food to prevent decay is relatively easy & inexpensive. Drying can be done in your kitchen oven, in a natural draft or electric dehydrator or in the sun.

According to Agriculture Dept. there is a wide variety of fruits & vegetables — & meats — that can be dried, including beans, carrots, corn, onions, potatoes, apples, peaches & grapes; beef & salmon can be dried as jerky. Agriculture lists the following procedures for drying foods:

- Select fresh, ripe produce in prime condition & give it a pre-drying treatment—usually blanching with water or steam to prevent loss of color & flavor as well as nutrients. Blanching is the process of heating foods to inactivate the enzymes that start deterioration.
- Spread prepared food in a single layer on trays & put in preheated oven or dehydrator so that air can circulate evenly.
- Using a thermometer, maintain a temperature of about 60 degrees C. (140 degrees F.) in the oven for the complete drying time. Drying time varies, generally ranging from 6 to 16 hours depending on the food & dryer used.
- Examine the food from time to time, rotating the trays to insure that it will dry evenly. Also, beware of scorching when the food starts to dry.
- Cool the material before testing for dryness. Degree of dryness & texture of the dried food will vary according to type of food, size of pieces & how much was on the tray. Experience is the only real guide—just experiment with timing & characteristics of final product.
- Package dried foods as soon as they are cool by putting them into dry, sealed, insect-proof containers & store in a dry, cool, dark place. Foods may deteriorate over time, but generally dried foods will have a shelf life of about 6 months.

For more information on drying foods, you may want to order a copy of Agriculture's booklet *Drying Foods at Home*, which gives step-by-step instructions for drying foods & also explains how to build a dehydrator for home use. You can get the booklet by writing the Publications Office, Agriculture Dept., Washington, DC 20250.

## FTC issues refund rule

Using its authority under the Magnuson-Moss Federal Warranty Act to issue new warranty regulations (CONSUMER NEWS: Jan. 1, 1976), Federal Trade Commission (FTC) has proposed a trade regulation rule that would set up a formula for giving consumers a refund for defective products covered under a "full warranty."

Under the proposed formula, the amount of the refund would depend on how much use the consumer got out of the product before it malfunctioned. However, before the manufacturer could make this deduction for depreciation, the company would have to disclose in the written warranty: 1) the fact that a charge for the use of the product will be deducted from the purchase price; & 2) an explanation of the method by which the amount of the refund will be calculated.

Once the disclosure requirements are met, the manufacturer could compute the deduction & resulting refund based upon this proposed mathematical formula:

Amount of use ÷ useful life × actual purchase price = deduction.

Using FTC's formula, if a consumer bought a refrigerator for \$303.30 (including state tax & a delivery charge) & 6 months later, the manufacturer received a defect notification, the refund would be calculated as follows if the useful life figure is 15 years:

6 months ÷ 15 yrs. [life] × \$303.30 = \$10.10 (deduction)

If FTC's proposal becomes a formalized rule, the refund formula would apply only when the product is still under warranty & repair is not commercially practicable. In this instance, the consumer would be offered the option of a trade-in on a new model or a refund.

FTC has invited consumers & other interested parties to comment on the proposed rule until Aug. 2 (See CONSUMER REGISTER this issue).

## Recall

**TIRES**—Firestone Tire & Rubber Co., Akron, OH, announces recall of an estimated 15,900 tires because they may be defective. Tires being recalled are: 13,000 H78-15 Deluxe Champion Sup-R-Belts with serial numbers VJVXC1J086, 096, 106, 116, & 126; 2,400 H78 Deluxe Champion Sup-R-Belts with serial numbers VEM-BDDA016, 026, 036, 046, 056, 076, 086 & 096; & 500 L78-15 Deluxe Champion Sup-R-Belt tires with serial numbers VHV3CIU086, 096, 106, 116 & 126.

What to do: If you bought one or more of these tires, contact your nearest Firestone dealer or the store where you purchased your tires to make an appointment for replacement tires. For more information on the recall, contact Firestone headquarters by calling 800-321-9638.

## International CB

American Automobile Association (AAA) is warning consumers that they may have their CB radios confiscated or sealed by Canadian or Mexican border authorities if they do not have the necessary broadcast permit for these countries.

Before travelling into either Mexico or Canada, you must have a special permit issued by the foreign government involved. However, AAA reports that there is a backlog in requests for these applications — at least a 6-week wait — so allow plenty of time before your departure. If you are not planning to use your CB unit, you can request the border authorities in either country to put a seal on the radio, which does not damage the equipment but merely renders it inoperative. Removal of the seal is permitted only by foreign border authorities upon returning to the U.S.

If you plan to use your CB, you must first have a valid Class D license issued by Federal Communications Commission (FCC). Mexico-bound motorists should then write to the Secretaria de Comunicaciones, Mexico City, D.F., for information on obtaining a permit. To get an application from the Canadian Government, write to the Regional Director, Department of Communications at one of the following addresses: (1) Terminal Plaza Bldg., P.O. Box 1290, Moncton, New Brunswick E1C 8P9; (2) 55 St. Clair Ave., E, Toronto, Ontario M4T 1M2; (3) 2085 Union St., Montreal, Quebec H3A 2C3; (4) 2300-One Lombard Pl., Winnipeg, Manitoba R3B 2Z8; or (5) 325 Granville St., Vancouver, British Columbia V6C 1S5.

For more information write the Federal Communications Commission, Washington, DC 20554.

## Mail fraud alert

Postal Service (PS) is warning consumers to be wary of telephone or mail solicitors who claim to seek financial & life insurance information for a public opinion poll. According to PS, these solicitors may actually be involved in a mail fraud scheme to defraud insurance companies holding consumers' life insurance policies.

PS's warning comes after it uncovered a scheme involving life insurance loans. Under the guise of conducting a public opinion poll in the name of a nationally recognized polling service, solicitors got information from businessmen in the New York & New Jersey area about their personal lives & also got the name of the companies that had their life insurance policies. Solicitors then posed as salesmen for the insurance companies &, on the strength of the personal information received in the polling, got the number of the policies. With this information, the persons involved in the mail fraud forged applications for loans against the policies without the knowledge of the policyholders.

PS has apprehended the persons involved in this mail fraud scheme & recovered from their possession 18 uncashed checks for more than \$100,000 issued by various insurance companies on the basis of forged loan applications. PS officials said that since other mail fraud schemes similar to this one may still be in operation, consumers should be cautious about giving financial information about themselves to mail or telephone solicitors.

## New Federal publication

Transportation Dept. (DOT) has published its sixth annual series of booklets giving comparative information on 1976 passenger cars & motorcycles. The consumer aid series is prepared by National Highway Traffic Safety Administration (NHTSA) from information furnished by vehicle manufacturers & ranks the 1976 models from best to worst in 3 categories: *Acceleration & Passing, Brakes, & Tire Reserve Load*. The 3 publications are available from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. *Acceleration & Passing* costs \$1.65 per copy while *Brakes* is priced at 95¢ & *Tire Reserve Load* costs \$1.80.

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